

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of )  
 )  
Reorganization and Revision of )  
Parts 1, 2, 21 and 94 of ) WT Docket No. 94-148  
the Rules to Establish a New )  
Part 101 Governing Terrestrial ) DOCKET FILE COPY ORIGINAL  
Microwave Fixed Radio Services)

Comments of Creative Broadcast Techniques, Inc.  
and The New Vision Group, Inc.

Creative Broadcast Techniques, Inc. ("CBT") and The New Vision Group, Inc. ("New Vision"), hereby submit comments in response to the Commission's Notice of Proposed Rulemaking in the above-referenced proceeding, released on December 28, 1994 (the "Notice").

CBT and New Vision are licensees of Local Television Transmission Service facilities. They rely on these facilities to provide remote pickup transmissions primarily for the production and transmission of video programming at special events, such as the U.S. Olympics Sport Festival, America's Cup races, Presidential Inauguration ceremonies and State of the Union speech news coverage, U.S. Open, Indianapolis 500 race, Superbowl, World Series, Kentucky Derby, all major golf tours (PGA, LPGA and Seniors), off-shore power boat races, Macy's Thanksgiving Day Parade and the Boston Marathon, to name a few. Microwave transmissions play a key role in coverage of these events, supplying pictures and sound from aerial cameras (blimps, helicopters and balloons) and specialized points of view cameras

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mounted in cars, on boats, or on other moving objects where a wired camera would be impractical.

It is critically important to CBT, New Vision, and their numerous customers that the rules governing Part 21 LTTS service be clear, and in particular that no new constraints be placed on the ability to obtain special temporary authority for those extraordinary occasions when it is necessary. Therefore, CBT and New Vision request that the Commission fully consider the following suggestions.

### **Special Temporary Authority**

CBT and New Vision provide services at locations and for events where there often is enormous congestion of available frequencies and facilities. CBT and New Vision's customers include major networks and newscasting organizations, and CBT and New Vision often supply services when those entities have unforeseen or last minute requirements. Therefore, CBT, New Vision and others in the LTTS industry have from time to time requested special temporary authority (STAs) to operate at variance with the rules. While it is not the normal practice to operate pursuant to STA, that approach provides an emergency "safety valve," which is particularly useful for those events of the greatest public interest.

Although the *Notice* does not refer to any Commission intent to change the standards for considering applications for STAs, the proposed rule section 101.31 makes certain changes that could affect Commission practice. For instance, existing section 21.25(b) provides standards for when STAs may be granted without regard to the normal 30-day public notice requirements in the rules. Proposed section 101.31(b) changes these standards into the substantive standards for granting an STA in the first place. As a general

matter (subject to our comments below), CBT and New Vision do not quarrel with these substantive standards, so long as the Commission clarifies that this new rule is not intended to modify existing practice or impose a different and higher requirement for the grant of STAs.

In two specific respects, CBT and New Vision do request the Commission either to modify or clarify the new substantive standards for granting STAs. First, existing section 21.25(c) authorizes the Commission to extend an STA beyond an initial 180 day term under extraordinary circumstances. This provision derives from Section 309(f) of the Communications Act. It provides the Commission and service providers with sufficient flexibility to deal with those rare but critical instances when unforeseen circumstances may require extraordinary action. That provision was not included in proposed section 101.31, and CBT and New Vision urge that it be retained.

Second, CBT and New Vision are concerned over the new requirement set forth in proposed section 101.31(b)(4) that STAs be granted for "temporary, non-recurring service where a regular authorization is not appropriate." The term "non-recurring" is new; it is not found in existing section 21.25 or in Section 309(f) of the Communications Act. This new term, unexplained in the *Notice*, could cause a problem for certain events at which the service provider has no way of predicting from year to year whether an STA is required. Thus, the service provider may anticipate that it could need an STA to operate at a certain racing event, for example, that occurs on only three or four days per year. Some years the frequency congestion may lead to a request for an STA; some years it would not. An application for regular authorization would not be appropriate under these circumstances, since the actual frequencies might be used less than a week at a time. Nevertheless,

the service could be characterized as "recurring" in some sense, since the race event itself is scheduled to recur each year.

CBT and New Vision request that the Commission delete this "non-recurring" term. No similar term is found in other provisions for STAs, for example, in Sections 73.1635 (broadcast STAs); 74.833 (broadcast auxiliary STAs), 76.29 (cable television STAs), 22.25 (public mobile service STAs) or 25.119 (satellite communications STAs). Under these circumstances, where the term "non-recurring" is unprecedented and unexplained, and possibly unhelpful, it should not be included in the new rules.

#### **Corrections and cross-references**

CBT and New Vision also take this occasion to point to a number of corrections to the proposed rules that will help clarify their application in the new Part 101:

Rule Section	Comment
Table of Contents, Subpart J	The section numbers for the LTTS service in the table of contents do not correspond to the rules as written. The table of contents is based on using only odd-numbered rule sections from 101.801 to 101.819, while the actual rules use consecutive even and odd-numbered rules from 101.801 to 101.809. (The same problem occurs in the cross-reference table in Appendix B.)
101.103(d)(2)(v) last line.	The last line refers to preceding item (C) as "in the latter case," which we assume should be "in the last case," since the Commission is referring to the last of three cases.
101.103(d)(1), seventh line	This line refers to the requirements of Section 101.713(c) and (d). There is no 101.713(d) and we assume the Commission intends to refer to (b) and (c) instead.

- 101.123(c) This provision does not permit OFS stations to provide program material to cable television systems, and is taken from existing section 94.25(h). CBT and New Vision express no opinion on the substance of this point, but it is "hidden" in an inappropriate rule section on Quiet Zones, and should be relocated to a more accessible section so it will not be lost.
- 101.713(b), first line This line carries forward what appears to be a typographical error in the original section 21.706(d). It appears that the phrase "...and applicant for a new station...." should instead be "....an applicant for a new station...."
- 101.717(a)(7) The cross references are incorrect. It appears that the cross-references should refer, in order, to section 101.713(a) with respect to other terrestrial microwave stations and to 101.713 (b) and (c) with respect to fixed earth stations.
- 101.801(a) The frequency entry for 14,200 to 14,400 MHz is missing the reference to footnote 5.
- 101.807(a) The cross reference is incorrect. The rule should refer to section 101.801.
- 101.807(a)(5) This provision does not precisely track the existing section 21.807(a)(5), which it replaces. The existing rule requires an applicant for temporary fixed operation to comply with the coordination requirements of 21.706(c). The proposed rule refers to 101.713, without distinguishing that the reference should be only to 101.713(a).
- 101.808(a)(8) The cross reference is incorrect. The rule should refer to section 101.807(c).

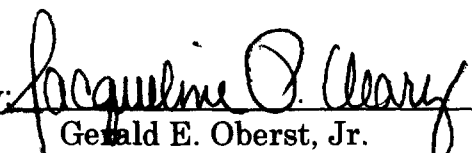
### Summary

CBT and New Vision provide LTTS services of substantial importance to many much larger companies in the broadcast and cable field. It is

important to CBT, New Vision and to their customers that the new Part 101 provides flexibility and clarity in all respects. In large part the Commission has done an admirable job of simplification and consolidation, an effort which CBT and New Vision support. CBT and New Vision urge the Commission to consider its suggestions -- particularly with respect to the seldom used but always important section on STAs -- and refine its proposed new Part 101.

Respectfully submitted,

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